STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
December 14, 2010

In the Matter of C. J. L. ADKINS, Minor.

No. 297308
Kent Circuit Court
Family Division
LC No. 09-054549-NA

Before: JANSEN, P.J., and SAWYER and O'CONNELL, JJ.

PER CURIAM.

Respondent Miller (respondent) appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to a consent agreement. We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

Petitioner sought termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g), (*l*), and (m). Respondent consented to termination pursuant to a "difficult and loving" amendment to the petition. In particular, respondent admitted:

> [S]he is unable to provide a safe, stable, non-neglectful home environment for her child . . .and will be unable to do so within a reasonable amount of time. She has come to the difficult and loving conclusion that the best interests of her child . . . [C.L.J.], would be served through termination of her parental rights. Therefore, she does not contest the termination of her parental rights.

Respondent now contends that the order terminating her parental rights must be reversed because the circuit court failed to inform her of her continued obligation to support the child pending adoption. See *In re Beck*, 287 Mich App 400, 405; 788 NW2d 697 (2010).

Because respondent did not move to withdraw her consent in the circuit court, this issue is unpreserved. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989). Therefore, review is limited to whether plain error affected respondent's substantial rights. *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007).

There are no established rules governing consent to termination under the Juvenile Code, MCL 712A.19b(3) and (5), as opposed to a voluntary release under the Adoption Code, MCL 710.29(6); thus no special advice of rights is recognized by statute. While the circuit court is required to advise a respondent of "the consequences of the plea" when taking a plea of admission, MCL 3.971(B)(4), the obligation to support one's child exists whether one's parental

rights are terminated or not, see MCL 722.3(1); *In re Beck*, 287 Mich App at 402-403 (stating that "[h]ad the Legislature intended that a termination of 'parental rights' would also include a termination of 'parental responsibilities', such as the responsibility of a parent to pay child support, it could have used specific language to convey that intent"). In other words, the continued obligation to support the child is not a "consequence" of a respondent's plea of admission or consent to termination, and MCL 3.971(B)(4) therefore does not require the circuit court to inform a respondent of this responsibility.

Moreover, even if the continued obligation to pay child support could arguably be considered a "consequence" of respondent's plea or consent to termination, our Supreme Court has held, albeit in the context of a criminal case, that a defendant's lack of understanding concerning the collateral consequences of his plea "do[es] not bear on whether the defendant's plea was knowing and voluntary." *People v Davidovich*, 463 Mich 446, 453; 618 NW2d 579 (2000).

Lastly, as previously indicated, respondent did not raise this issue in the circuit court. Nor has she submitted any affidavit indicating that she was not aware of her independent obligation to support the child or that she would not have agreed to relinquish her parental rights had she been advised of her continued obligation to pay child support. Thus, there is no basis for concluding that respondent's plea was not voluntarily, knowingly, and understandingly made. Under these circumstances, respondent has not established that she is entitled to withdraw her plea or her consent to termination. We perceive no outcome-determinative plain error.

Affirmed.

/s/ Kathleen Jansen
/s/ David H. Sawyer
/s/ Peter D. O'Connell